Scott. II-29—35,086—2-11-26.

Law (Gl) (1927) Department.

Nil SERIES.

G.O. No. 3092

DATED 30 9 27

[Despatch Abstract.]

LEGISLATIVE COUNCIL QUESTION.

Congestion of work in the subordinate courts of South Kanara.

Starred Question. Council Office.

21-7-27

Mr.K.R. Karant.

THE LAW(GENERAL) DEPARTMENT.

*341. Will the hon. the Law Member be pleased to state --

(a) whether it is ~~not~~ a fact that the work of the subordinate courts has increased ~~enormously~~ in the past one or two years by their being invested with additional powers under the Insolvency and ~~also under~~ the Land Acquisition and Guardians and Wards Acts and also by raising the small cause powers till Rs 1000/-;

(b) whether the Government are aware that there is ~~considerable~~ congestion of work in the subordinate court~~s~~ of South Kanara; and

(c) what steps the Government propose to take to relieve the congestion?

MR.

P. Dis.No. 41 of 1927.

Notification.

Under Sub Section (1) of Section 4-A of the Guardians and Wards Act 1890, as amended by Act IV of 1926, the High Court hereby empowers all Subordinate Judges in the Presidency of Fort Saint George to dispose of any proceedings under the Guardian and Wards Act, 1890, which may be transferred to them, under Section 4-A of the said Act, by the respective District Courts to which they are subordinate.

High Court of Judicature,
Madras, 12th January 1927.

M.S. Krishna Aiyer, 17-1-2
for Registrar.

To

The Superintendent, Government Press, Madras for publication (with a request for 30 copies)
All District Judges and Sub Judges.
Copy to the Registrar, Resident Court, Bangalore with reference to his letter 188 dated 29th October 1926.

MGB.

aa/17/27

***

C. 3525 B

Draft answer

Starred Question. Council Office.

19/28 21-7-27

314

Mr.K.R. Karant.

THE LAW (GENERAL) DEPARTMENT.

Answer

*341. Will the hon. the Law Member be pleased to state --

(a) whether it is ~~not~~ a fact that the work of the subordinate courts has increased ~~enormously~~ in the past one or two years by their being invested with additional powers under the Insolvency and ~~also under~~ the Land Acquisition and Guardians and Wards Acts and also by raising the small cause powers till Rs 1000/-;

(b) whether the Government are aware that there is ~~considerable~~ congestion of work in the subordinate court~~s~~ of South Kanara; and

(c) what steps the Government propose to take to relieve the congestion?

KR.

~~(a) & (b) (c)~~

~~The Govt. have no information~~

(a) In 1924 Subordinate Judges were invested with additional powers under the Insolvency & Land Acquisition Act; in 1926 Subordinate judges were given the jurisdiction of a Court of Small Causes for the trial of ~~(c) Does not arise.~~ suits cognizable by such Courts up to the amount of Rs 1000. ~~Under section 4 A of the Guard~~ The Guardian & Wards Act was amended by India Act IV of 1926 so as to provide for the disposal of proceedings under the Act by Subordinate ~~courts~~ judges

JD
4 8 27

4/8/27 (b) The Govt. have no information.

(c) Does not arise.

Draft ans

J. G. Campbell

Law (Genl) 3505B
4-8-27

Law Dept. III-8—2,000—24-11-26.

QUESTION.—No 341 for the meeting of the Legislative Council to be held on the 23rd August 1927.

4 AUG 1927

SUBMITTED that two copies of this Question may be forwarded to the Law (General) Department.

The Question has been admitted.

2/8/27

2/8

-8 U.O. No. 2696-27, dated 3-8-27

To

The Law / General Department.

Law (Genl)

Please see the Legislative Council question on page 1CF. There is no information on the points raised therein. A draft answer is submitted for approval.

JD
4-8-27

For approval. H.M. C.I. may wish to call for information particularly regarding clause (b) now, or after the Council meeting if the question is pressed.

5/8/27

4-8-27

5/8/27

H.M.C. 4

2/

Has there been any increase in the number of subordinate courts either permanently or temporarily during the last 3 years (a) in the Presidency as a whole & (b) in S. Kanara.

2. Is it a fact that ~~that~~ Subordinate Courts have been invested with addl. powers &c?

ack
7.8.27

ASSISTANT SECY TO ...
10 AUG 192[illegible]
LAW DEPT

U.S./ Paragraph 1 of H.M. C's note

(a) The following statement gives the figures for the years During 1923-25:-

	Permanent. Courts	Temporary. Courts	~~Temporary Judges under the Amended Civil Courts Act~~
~~1923~~	~~33~~	~~19~~	
(W) 1924	35	17	
(L) 1925	36	7	
1926	36	7	

(b) No addl. sub Court has been ~~added to in the~~ sanctioned for the

3/

D.t of South Kanara during ~~the~~ ~~years~~ 1923-1926.

p 2 ante

Paragraph 2 of H.M's note

+ GO 1731/5-6-24 (R) = GO 770/7-3-24 (V)

⊗ Notfn. — (M)

It is true that addl ~~[illegible]~~ sub Judges have been invested with addl. powers under the + Insolvency & Land Acquisition Act. They have also been ⊗ empowered to exercise the Jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts upto the amount of Rs 1000. As for addl. powers under the Guardian and Wards Act, the High Court in exercise of the powers ~~granted~~ conferred under section 4A of Act IV of 1926 may empower subordinate Judges ~~to~~ or authorize a D.t Judge to ~~empower such~~ judges to dispose of any proceeding under transferred to such judges. the Guardian and Wards Act). The H.C has been telephoned to for ~~[illegible]~~ (information as to orders) ~~notifications~~, if any, ~~them they~~ ~~have~~ issued by it under that section.

(put up)

IN-AUG 1927

IN-AUG 1927

16/8/27

C4

15-8-27

5

16-8-27

16-8-27

16.8.27

23
30/9

Civil Justice

Congestion of work in the subordinate courts of South Kanara.

Civ 3505 B

*314 Q.—Mr. K. R. Karant: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the work of the subordinate courts has increased in the past one or two years by their being invested with additional powers under the Insolvency and the Land Acquisition and Guardians and Wards Acts and also by raising the small cause powers till Rs. 1,000;

(b) whether the Government are aware that there is congestion of work in the Subordinate Court of South Kanara; and

(c) what steps the Government propose to take to relieve the congestion?

(a) In 1924 Subordinate Judges were invested with additional powers under the Insolvency and Land Acquisition Act; in 1926 Subordinate Judges were given the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such Courts up to the amount of Rs. 1,000. The Guardian and Wards Act was amended by India Act IV of 1926 so as to provide for the disposal of proceedings under the Act by Subordinate Judges.

(b) The Government have no information.

(c) Does not arise.

Mr. K. R. Karant:—"May I ask the hon. Member why the Government have not called for any information but satisfy themselves by saying that they have no information, even after I brought the matter to the notice of the Government?"

The hon. Mr. A. Y. G. Campbell:—"The High Court is primarily responsible for seeing that there is a sufficient number of courts to deal with the work before them. When they consider that the volume of work requires the creation of an additional court, they make proposals to the Government and these proposals are, I think, always accepted."

Mr. K. R. Karant:—"May I ask whether the Government consider it not a part of their duty when certain facts are brought to their notice like congestion of work in the sub-courts to take any action in the matter but leave it entirely to the High Court to make proposals when it considers necessary?"

The hon. Mr. A. Y. G. Campbell:—"It is for the High Court to take action in the matter in the first instance. I will, however, have a copy of the hon. Member's questions and of my answers sent to the High Court."

A draft letter communicating a copy of the Proceedings to the High Court is submitted. After issue the answer may be recorded.

28.9.29

28/9

29/9/29

29.9.29

[illegible]

a draft letter [illegible]

[illegible]

L.C. Question—
Congestion of work in the Subordinate Courts of S. Kanara.

O.D.

[illegible] No 3492
[illegible]/11/29

Law (general)

Letter 3508 B-2 / 30/9/27

To

The Hon'ble the Chief Justice
of the High Court

Hon'ble Sir,

L.C. Question no. 314 - Congestion of work in the Subordinate Courts of S. Kanara

I am directed to forward an extract from ~~accompanying~~ the proceedings of the Legislative Council relating to the above question ~~and~~ and the supplementary questions and answers given thereto for such action as the Hon'ble the Judges may deem fit to take thereon.

29/9/27

28.9.27

29-9-27

28/9